

Appl. No. : 09/586,666
Filed : June 1, 2000

REMARKS

This is responsive to the Examiner's Office Action mailed September 29, 2003. Applicant has hereby amended Claims 11, 33 and 34, canceled Claims 30 and 32, and added new Claims 56-79. Thus, Claims 11-29, 31, 33-47 and 56-79 are pending in this application of which the Examiner has allowed Claims 35-47.

A summary document is included herein above with the status of all claims and the text of all pending claims. The specific changes to the amended claims are shown by ~~striketrough~~ for deletions and underlining for any insertions.

CLAIMS

In the Office Action, the Examiner rejected Claims 11-15, 18-23, 25-29 and 31 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,776,205 issued to Phillips; Claims 11-15, 19-21, 23-29 and 31 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,258,038 issued to Robinson et al.; and Claims 11-17, 19-23, 25-29 and 31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,800,569 issued to Phillips in view of U.S. Patent No. 4,938,776 issued to Masinter.

Applicant respectfully traverses these rejections and the Examiner's characterization of the cited references.

The Examiner objected to Claims 30 and 32-34 and indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this case, to advance prosecution, Applicant has amended independent Claim 11 to substantially include the limitation of dependent Claim 30 and added new independent Claim 56 that substantially corresponds to dependent Claim 32 rewritten in independent form. Applicant has amended Claims 33 and 34 to be dependent on new Claim 56.

Applicant reserves the right to pursue the original, and other, claims in one or more continuing applications and/or at a later date.

New Claims 57-69 depend from Claim 56, and each recites a unique combination of features not taught or suggested by the prior art.

Accordingly, Applicant submits that Claims 11-29, 31, 33-47 and 56-69 are in condition for allowance.

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Applicant has added new Claims 70-79. In the embodiment of Claim 70, a prosthetic foot is provided for providing a smooth and generally life-like response to a wearer. A foot plate comprises a plurality of symmetrically arranged, spaced elongated toes, each of the toes having geometrically substantially the same shape. An ankle plate positioned above said foot plate and spaced from said foot plate over an entire length of said ankle plate. A compressible block is provided between said foot plate and said ankle plate and in mechanical communication with said foot plate and said ankle plate for transmitting forces imparted thereon by said foot plate and said ankle plate such that there is a smooth and natural rollover between heel-strike and toe-off as energy is cyclically stored and released in said prosthetic foot. The compressible block comprises substantially the sole means of support and connection between said ankle plate and said foot plate

Applicant submits that Claim 70 is allowable over the cited references. For example, neither Phillips (5,776,205) or Robinson (5,258,038) teaches or suggests a compressible block comprising substantially the sole means of support and connection between an ankle plate and a foot plate. Moreover, Phillips (5,900,569) in view of Masinter (4,938,776) fails to teach or suggest the unique combination of features recited by Claim 70, including that each of the toes has geometrically the same shape.

Applicant thus submits that Claim 70, as well as dependent Claims 71-79, are allowable over the prior art of record.

DRAWINGS

Applicant has enclosed herewith ten (10) sheets of formal drawings. The Examiner's approval and entry of the formal drawings is respectfully requested.

PRIORITY CLAIM

Applicant respectfully requests the Examiner's acknowledgement of Applicant's priority claim under 35 U.S.C. § 119(e) to U.S. Provisional Appl. No. 60/201,150, filed May 2, 2000. The cross-reference to related application(s) establishing the priority claim is contained in the specification, as filed on June 1, 2000, in the first sentence following the title in accordance with 37 C.F.R. § 1.78(a)(5).

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CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 
Sabing H. Lee
Registration No. 43,745
Attorney of Record
Customer No. 20,995
(949) 760-0404

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